THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.26507 of 1999

Dated : 26.07.2007

Between:

P.Pratap Reddy S/o P.Papa Reddy

..... PETITIONER

And:

The Special Deputy Collector (L.A.)
Sri Ram Sagar Project (Pochampad Project),
Pochampad, Nizamabad District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.26507 of 1999

ORDER:

Petitioner claims to be the absolute owner and possessor of the lands in Sy.Nos.374 and 197 of Mujiga village of Nirmal Mandal in Adilabad District. The Government acquired the said lands for the purpose of Pochampad Project along with various extents in and around Mujiga village, and in that context, a notification under Section 4(1) of the Land Acquisition Act, 1894 (for short "the Act"), was issued. Thereafter, after following the procedure prescribed under the Act, Award No.14 of 1969-70, dated 30.05.1970, was passed by the Land Acquisition Officer, fixing compensation. Despite the fact that the landlords sought for a reference under Section 18 of the Act, the Land

Acquisition Officer did not refer the matter to the civil Court. Hence, they filed W.P.No.8692 of 1985 and this Court, while allowing the said writ petition, directed the Land Acquisition Officer to refer the matter to a competent civil Court under Section 18 of the Act. While referring the matter, the Land Acquisition Officer, for obvious reasons, may be by mistake or intentionally, forgot to refer the land in Sy.No.374. The reference made in respect of other lands was numbered as O.P.No.394 of 1986 on the file of the Court of the Subordinate Judge, Nirmal, and the learned Subordinate Judge enhanced the compensation awarded by the Land Acquisition Officer. As the compensation for the land in question was not enhanced, petitioner made representations to the Land Acquisition Officer-cum-Special Deputy Collector to pay the enhanced compensation for the land in Sy.No.374 also on par with other lands acquired, but in vain. Hence, this writ petition.

A detailed counter-affidavit has been filed on behalf of the respondents.

Having heard both the parties, it is clear that lands belonging to various ryots of Mujiga village were acquired for the purpose of Pochampad Project and compensation was fixed by the Land Acquisition Officer. Being dissatisfied with the quantum of compensation, all the landlords filed W.P.No.8692 of 1985 before this Court, and this Court specifically directed the Land Acquisition Officer to refer the matter to the civil Court. From the above, it is clear that the petitioner is also entitled to get the matter referred to the civil Court for re-determination of compensation fixed in respect of the land in Sy.No.374 of Mujiga village on par with other landlords.

Accordingly, the writ petition is allowed and the Land Acquisition Officer-cum-Special Deputy Collector, Pochampad, is hereby directed to refer the matter to the civil Court for re-determination of compensation in respect of the land of the petitioner bearing Sy.No.374 of Mujiga village of Nirmal Mandal in Adilabad District. There shall be no order as to costs.

sh 26.07.2007

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